

STATE OF ALASKA

SEAN PARNELL, Governor

DEPARTMENT OF FISH AND GAME

DIVISION OF HABITAT

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FISH HABITAT PERMIT FH 11-II-GP51

ISSUED: January 6, 2011
EXPIRES: December 31, 2016

General Public:

Re: Vehicle Stream Crossing
Portage Creek – Stream No. 259-41-10020
Section 23, T. 31 S., R. 21 W., S.M.

Pursuant to AS 16.05.871(b), the Alaska Department of Fish and Game, Division of Habitat has determined that the public interest would be served through the issuance of a General Permit for a vehicle stream crossing of Portage Creek.

Project Description

This general permit authorizes the movement of wheeled or tracked vehicles weighing less than 5,000 lbs. dry weight on the bed and banks of Portage Creek at the above referenced location. Heavier vehicles are not covered under this General Permit and would require an individual Fish Habitat Permit. Stream crossings at the existing ford, identified by the legal description above and indicated by a dot (•) on the enclosed map, are expected to provide adequate access to the area while minimizing adverse impacts to fish resources and habitats.

Anadromous Fish Act and Coastal Consistency Requirements

Portage Creek has been specified as being important for the spawning, rearing, or migration of anadromous fish pursuant to AS 16.05.871(a). Portage Creek supports sockeye, coho, pink and chum salmon, as well as anadromous Dolly Varden and steelhead trout in the vicinity of the stream crossings.

This activity has been found consistent with the Alaska Coastal Management Program. In accordance with AS 16.05.871(d), authorization is hereby given for the general public to ford the unnamed streams at the identified crossing subject to the following stipulations:

1. Stream crossings shall be made from bank to bank in a direction substantially perpendicular to the stream flow and vehicles shall not be driven upstream or downstream.
2. Stream crossings shall be made only at locations with gradually sloping banks. There shall be no crossings at locations with sheer or cut banks.
3. To minimize streambed disturbance, all open water crossings shall be conducted at the same location.
4. Streambanks and streambeds shall not be altered or disturbed in any way to facilitate crossings.
5. Vehicles shall not be parked in open water. Parking below ordinary high water is authorized only on frozen surfaces or exposed gravel bars.

6. Vehicles shall not be refueled or serviced below ordinary high water. Vehicles leaking oil or other hazardous substances are prohibited from crossing the creek.

The vehicle owner and the operator, or the legal guardian of minor dependents, is responsible for the actions of persons who participate in the approved activity. For any activity that significantly deviates from this approval, the responsible party shall notify the Division of Habitat and obtain written approval in the form of an individual permit before beginning the activity. Any action taken that increases the scope of the activity or that negates, alters, or minimizes the intent or effectiveness of any stipulation contained in this general permit will be deemed a significant deviation from the approved activity. The final determination as to the significance of any deviation and the need for an individual permit is the responsibility of the Division of Habitat. Therefore, it is recommended that the Division of Habitat be consulted immediately when a deviation from the approved activity is being considered.

This letter constitutes a general permit issued under the authority of AS 16.05.871. Please be advised that this determination applies only to activities regulated by the Division of Habitat; other agencies may have jurisdiction under their respective authorities. This determination does not relieve you of the responsibility for securing other permits: state, federal, or local. You are still required to comply with all other applicable laws.

In addition to the penalties provided by law, this General Permit may be terminated or revoked for failure to comply with its provisions or failure to comply with applicable statutes and regulations. The department reserves the right to require mitigation measures to correct disruption to fish and game created by the authorized activity that were a direct result of the failure to comply with this General Permit or any applicable law.

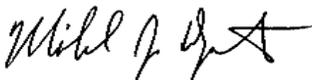
The recipient of this General Permit (the responsible party or the permittee) shall indemnify, save harmless, and defend the department, its agents, and its employees from any and all claims, actions, or liabilities for injuries or damages sustained by any person or property arising directly or indirectly from permitted activities or the permittee's performance under this general permit. However, this provision has no effect if, and only if, the sole proximate cause of the injury is the department's negligence.

This permit decision may be appealed in accordance with the provisions of AS 44.62.330--44.62.630.

Any questions or concerns about this permit may be directed to Habitat Biologist Will Frost at 267-2813 or emailed to william.frost@alaska.gov.

Sincerely,

Cora Campbell, Commissioner



By: Michael J. Daigneault
Regional Supervisor
Anchorage Area Office

Enclosure: Map

cc: M. Lydick, KIB
B. Cassidy, KIB
S. Schrof, ADF&G
D. Tracy, ADF&G
L. Van Daele, ADF&G
AWT, Kodiak
C. Ballard, DCOM
USACE, Regulatory Branch

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APPROVED STREAM CROSSING—MAP

Portage Creek—Stream No. 259-41-10020

1 Section 23, T. 31 S., R. 21 W., S.M.

Latitude: N57° 28' 32.163"; Longitude: W152° 36' 4.330"

Map notes: There is one approved ford of anadromous fish-bearing waters within the area shown on this map, as noted by legal description above and depicted by a dot and label. Crossings are authorized only within 20 feet of the centerline of the traditional ford crossing at the referenced location. You are advised to contact the Kodiak ATV Club or the appropriate land management agency concerning the location of approved trails or other restrictions on vehicle use on lands managed by those agencies. Vehicle stream crossings of other specified anadromous fish-bearing waters, or at other locations are not authorized, except by individual permit or other General Permits.

